

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **5:23-cv-01450-MCS-PVC**

Date April 8, 2024

Title ***Tolbert v. Rocket Mortg., LLC***

Present: The Honorable Mark C. Scarsi, United States District Judge

Stephen Montes Kerr
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER RE: REQUEST FOR DISMISSAL AND
MOTION FOR CLASS CERTIFICATION (ECF Nos. 54, 65) (JS-6)**

At the hearing on Plaintiff's motion for class certification, the parties represented that they had reached a settlement in principle. (Mins., ECF No. 64.) The parties filed a request to voluntarily dismiss this action without prejudice so that the case may be settled alongside similar cases pending in state court. The parties submit that the Court need not give notice of the dismissal to the putative class. (Req., ECF No. 65.)

The Court agrees. Notwithstanding some uncertainty among the district courts over the issue, the Court determines that notice need not be given before a pre-certification dismissal of class claims. *See Dougan v. Centerplate, Inc.*, No. 22-CV-1496 JLS (SBC), ___ F. Supp. 3d ___, 2023 U.S. Dist. LEXIS 221273, at *5–10 (S.D. Cal. Dec. 12, 2023) (discussing effect of 2003 amendments to Rule 23(e) and determining the rule no longer requires court review of pre-certification voluntary dismissals in class actions). Accordingly, the Court determines that the parties' request for dismissal is self-executing. *See Com. Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1078 (9th Cir. 1999); *Licea v. Adidas Am., Inc.*, No. 5:22-cv-02077-FWS-SP, 2023 U.S. Dist. LEXIS 84299, at *4–5 (C.D. Cal. Mar. 22, 2023).

The Court directs the Clerk to terminate the motion for class certification and the request for dismissal. The Clerk shall close the case.

IT IS SO ORDERED.